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Crl.O.P.(MD)No.22558 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.22558 of 2022

and

Crl.M.P.(MD).No.15940 of 2022

A.E.Rajan

... Petitioner

Vs.

1.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
(Crime No.38 of 2022)

2.Sukadharahima,
Assistant Geologist / Assistant Director,
Department of Geology and Mining,
Thoothukudi District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the FIR in Crime No.38 of 2022 on the file of the respondent Police and quash the same as illegal insofar as the petitioner is concerned.

For petitioner : Mr.J.Jeyakumaran

For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)



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ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.38 of 2022 on the file of the respondent Police

2.The case of the prosecution is that the petitioner has illegally transported gravel sand without obtaining any valid permit. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.38 of 2022 for the offence punishable under Sections 379 IPC r/w Sections 21(1) and 21(4) of Mines and Minerals Development Regulation Act, 1957 against the petitioner herein. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would further submit that there is no specific overtact against the petitioner.



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4. The learned Government Advocate (Criminal Side)

appearing for the first respondent Police would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5. On a reading of the FIR, there appears to be some materials for the investigation to proceed. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the first respondent Police is directed to conclude the investigation in Crime No.38 of 2022 within a period of four weeks from the date of receipt of a copy of this order.

25.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
TSG



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M.DHANDAPANI. J.

TSG

To

- 1.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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